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10/647,726	08/25/2003	Karren Moreland	43	2147

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EXAMINER	
FERGUSON, MICHAEL P	
ART UNIT	PAPER NUMBER
3679	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/647,726	MORELAND ET AL.	
	Examiner	Art Unit	
	MICHAEL P. FERGUSON	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-33* is/are rejected.

7)☐ Claim(s) ____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on *12 December 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 10-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zakrzewski et al. (US 6,732,991) in view of Frohlich (US 6,086,300).

As to claim 10, Zakrzewski et al. disclose a one-piece lock **115** for use with a slotted track system **105** comprising:

a body **220** having a wider axis **660** and a narrower axis **655**;

a finger-turnable handle **215,230**; and

a neck **210** formed integrally with the body at one end and formed integrally with the handle at the other end;

wherein one end of the neck extends from the body in a direction generally perpendicular to a plane containing the wider axis and the narrower axis of the body;

wherein the neck is sized to extend through the slot of a slotted track **105**;

wherein the body is sized to fit loosely within the interior of the slotted track when the wider axis is parallel to the track and to fit within the interior of the slotted track with opposing ends of the body in a locked position with the opposing side walls of the track when the narrower axis is parallel to the track; and

wherein the narrower axis of the body is wider than the slot of the slotted track (Figures 1-7B,10A,10B).

Zakrzewski et al. fail to disclose a lock wherein the body is sized to fit within the interior of the slotted track with opposing ends of the body frictionally engaged with the opposing side walls of the track when the narrower axis is parallel to the track, which frictional engagement holds the lock in a substantially fixed longitudinal position along the track.

Frohlich teaches a lock comprising a body **8** sized to fit within the interior of a slotted track **5** with opposing ends **13** of the body frictionally engaged with the opposing side walls **6,14** of the track when the narrower axis is parallel to the track, which frictional engagement holds the lock in a substantially fixed longitudinal position along the track; frictionally engaging opposing ends **13** of body **8** provide for quick, easy, secure one-step locking of the body within rail **5**, providing for reliable position and securement of the body in the ideal location within the rail (Figures 1-3c, column 2 lines 12-19, column 3 lines 44-54). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lock disclosed by Zakrzewski et al. wherein the body comprises frictionally engaging opposing ends as taught by Frohlich in order to provide for quick, easy, secure one-step locking of the body within rail **5**, providing for reliable position and securement of the body in the ideal location within the rail.

As to claim 11, Zakrzewski et al. disclose a lock wherein the handle **215,230** is elongated and the neck **210** is formed integrally with the handle at a point near one end of the handle (Figure 3).

As to claim 12, Zakrzewski et al. disclose a lock wherein the handle **215,230** is elongated and parallel to the narrower axis **655** of the body **220** (handle portion **215** is parallel to narrower axis **655**; handle portion **230** is parallel to narrow axis **655** in the direction of thickness of the handle portion; Figure 3).

As to claim 13, Zakrzewski et al. disclose a lock wherein the handle **215,230** is elongated and parallel to the wider axis **660** of the body **220** (handle portion **215** is parallel to the wider axis **660**; handle portion **230** is parallel to wider axis **660** in the direction of length of the handle portion; Figure 3).

As to claim 14, Zakrzewski et al. disclose a lock wherein the body **220** comprises two rounded edges **665** at opposite corners of a generally box-shaped body, which edges are parallel to the neck **210** (Figure 5A).

As to claim 15, Zakrzewski et al. disclose a lock comprising a collar **215** integrally formed with and between the neck **210** and the handle **230** (Figure 3).

As to claim 16, Zakrzewski et al. disclose a lock wherein the body **220** has two opposite sides **665** not parallel to each other, which sides are generally parallel to the neck **210** (Figure 3).

As to claim 17, Zakrzewski et al. disclose a lock wherein, measured along the intersection of the body **220** and a plane passing through the neck **210**, a first side

(having a width **655**) of the body adjacent to the neck is wider than an opposing side (having a width **657**) of the body (Figure 5A).

As to claim 18, Zakrzewski et al. disclose a lock wherein the body **1** comprises two rounded edges **665** at opposite corners of a generally box-shaped body, which edges are parallel to the neck **210** (Figure 3).

As to claim 19, Zakrzewski et al. disclose a lock wherein the handle **215,230** is elongated and the neck **210** is formed integrally with the handle at a point near one end of the handle (Figure 3).

As to claim 20, Zakrzewski et al. disclose a track and lock system comprising:

a track **105** having a box-shaped cross-section with a slot on one side of the box; and

a one-piece lock **115** comprising:

a body **220** having a wider axis **660** and a narrower axis **655**;

a finger-turnable handle **215,230**; and

a neck **210** formed integrally with the body at one end and formed integrally with the handle at the other end;

wherein one end of the neck extends from the body in a direction generally perpendicular to a plane containing the wider axis and the narrower axis of the body;

wherein the neck is sized to extend through the slot;

wherein the body is sized to fit loosely within the interior of the track when the wider axis is parallel to the track and to fit within the interior of the track with opposing

ends of the body in a locked position with opposing side walls of the track when the narrower axis is parallel to the track; and

wherein the narrower axis of the body is wider than the slot (Figures 1-7B,10A,10B).

Zakrzewski et al. fail to disclose a system comprising a lock wherein the body is sized to fit within the interior of the slotted track with opposing ends of the body frictionally engaged with the opposing side walls of the track when the narrower axis is parallel to the track, which frictional engagement holds the lock in a substantially fixed longitudinal position along the track.

Frohlich teaches a lock comprising a body **8** sized to fit within the interior of a slotted track **5** with opposing ends **13** of the body frictionally engaged with the opposing side walls **6,14** of the track when the narrower axis is parallel to the track, which frictional engagement holds the lock in a substantially fixed longitudinal position along the track; frictionally engaging opposing ends **13** of body **8** provide for quick, easy, secure one-step locking of the body within rail **5**, providing for reliable position and securement of the body in the ideal location within the rail (Figures 1-3c, column 2 lines 12-19, column 3 lines 44-54). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system disclosed by Zakrzewski et al. wherein the body comprises frictionally engaging opposing ends as taught by Frohlich in order to provide for quick, easy, secure one-step locking of the body within rail **5**, providing for reliable position and securement of the body in the ideal location within the rail.

As to claim 21, Zakrzewski et al. disclose a system comprising a string **125** of lights, wherein a wire of the light string is within the track **105** and held in place by the lock **115** (Figures 1,10A,10B).

As to claim 22, Zakrzewski et al. disclose a system wherein the track **105** is secured to a house (Figures 1,10A,10B, column 1 lines 29-41).

As to claim 23, Zakrzewski et al. disclose a system wherein the handle **215,230** is elongated and parallel to the narrower axis **655** of the body **220** (handle portion **215** is parallel to narrower axis **655**; handle portion **230** is parallel to narrow axis **655** in the direction of thickness of the handle portion; Figure 3).

As to claim 24, Zakrzewski et al. disclose a system wherein the handle **215,230** is elongated and parallel to the wider axis **660** of the body **220** (handle portion **215** is parallel to wider axis **660**; handle portion **230** is parallel to wider axis **660** in the direction of length of the handle portion; Figure 3).

As to claim 25, Zakrzewski et al. disclose a system wherein the body **220** has two opposite sides **665** not parallel to each other, which sides are generally parallel to the neck **210** (Figure 3).

As to claim 26, Zakrzewski et al. disclose a system wherein, measured along the intersection of the body **220** and a plane passing through the neck **210**, a first side (having a width **655**) of the body adjacent to the neck is wider than an opposing side (having a width **657**) of the body (Figure 5A).

As to claim 27, Zakrzewski et al. disclose a system wherein the body **220** comprises two rounded edges **665** at opposite corners of a generally box-shaped body, which edges are parallel to the neck **210** (Figure 3).

As to claim 28, Zakrzewski et al. disclose a system comprising a string **125** of lights, wherein a wire **125** of the light string is within the track **105** and held in place by the lock **115** (Figures 1,10A,10B).

As to claim 29, Zakrzewski et al. disclose a system wherein the track **105** is secured to a house (Figures 1,10A,10B, column 1 lines 29-41).

As to claim 30, Zakrzewski et al. disclose a lock wherein:

the neck **210** defines and surrounds a rotation axis of the lock **115**, which axis is generally perpendicular to the plane containing the wider axis **660** and the narrower axis **655** of the body **220**; and

the elongated handle **215,230** is arranged substantially perpendicular to the rotation axis and extends across the axis (handle portion **215** is perpendicular to and extends across the rotation axis; Figure 3).

As to claim 31, Zakrzewski et al. disclose a system wherein:

the handle **215,230** is elongated and the neck **210** is formed integrally with the handle at a point near one end of the handle;

the neck defines and surrounds a rotation axis of the lock **115**, which axis is generally perpendicular to the plane containing the wider axis and the narrower axis of the body; and

the elongated handle is arranged substantially perpendicular to the rotation axis and extends across the axis (handle portion **215** is perpendicular to and extends across the rotation axis; Figure 3).

As to claim 32, Zakrzewski et al. disclose a system wherein each light of the string **125** and a portion of the wire to which it is attached are outside the track **105**, so that the wire passes through the slot at a location between the frictionally engaged lock **115** and the light (wire **125** passes through the slot via tube **900** at a location along the length of the wire between lock **115** and the light; Figure 1).

As to claim 33, Zakrzewski et al. disclose a system wherein each light of the string **125** and a portion of the wire to which it is attached are outside the track **105**, so that the wire passes through the slot at a location between the frictionally engaged lock **115** and the light (wire **125** passes through the slot via tube **900** at a location along the length of the wire between lock **115** and the light; Figure 1).

Response to Arguments

3. Applicant's arguments with respect to claims 10-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patent shows the state of the art with respect to track locking systems:

Coutre (US 4,919,625) is cited for pertaining to systems comprising a slotted track and a rotatable lock.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The newly added limitations of "which frictional engagement holds the lock in a substantially fixed longitudinal position along the track" in claim 10 (lines 15-16) and claim 20 (lines 17-18) necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL P. FERGUSON whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MPF
09/18/08

/Michael P. Ferguson/
Primary Examiner, Art Unit 3679